

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes changes to Fig. 2. In particular, the second instance of reference character "224," which was associated with operating system code 224 stored in the data storage 212, has been changed to "226." Corresponding changes have been made to the specification. The changes shown in the annotated sheet are presented formally in the attached "replacement sheet." No new matter has been added to the application by this correction to the drawings.

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action dated May 17, 2007. Claims 1-3, 6-9, 14, 16, 20, 26 and 28 have been amended, and Claims 4, 5, 15 and 27 have been canceled, without intended to abandon or to dedicate to the public any patentable subject matter. Accordingly, Claims 1-3, 6-14, 16-26 and 28-34 are now pending. As set forth herein, reconsideration and withdrawal of the objections to and rejections of the claims are respectfully requested.

The drawings stand objected to because reference character "224" has been used to designate two different components in Fig. 2. As required, corrected drawing sheets are provided as an appendix to this paper. In particular, as shown in the annotated sheet, the second instance of reference character "224" has been replaced with reference character "226." As is clear from the associated written description and the depiction of Fig. 2, the "communication bus 224" and the "operating system code 224 [now 226]" are distinct components, and no new matter has been added to the application by the amendment. The written description has also been amended to agree with the changes to Fig. 2. The change to the specification also does not add new matter. Accordingly, entry of these amendments and reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Claims 1-34 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, with respect to Claim 8, terms are found to lack antecedent basis. In the amendments set forth above, Claim 8 has been amended such that the basis for this rejection has been removed. Similarly, Claim 14 has been amended to address the perceived lack of antecedent basis in that claim. The Office Action also finds terms in various other claims are indefinite. In some of those claims, amendments have been entered that, while not altering the scope of the claims, are believed to clarify those claims. Other terms are believed to be sufficiently definite, particularly when understood in the context of the written description. Accordingly, reconsideration and withdrawal of the rejections of Claims 1-34 as indefinite are respectfully requested.

Claims 2-3, 15 and 28 stand objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. With respect to Claims 2 and 3, Applicants note that whereas Claim 1, from which Claims 2 and 3 depend, allows for either of two criteria to serve as the basis for a selection, Claims 2 and 3 require a respective one of those alternatives as the basis for the selection. Accordingly, Claims 2 and 3 further limit the subject matter of Claim 1, and the objections to those claims should be reconsidered and withdrawn. Claim 15 has been canceled. Claim 28 has been amended to depend from Claim 26, thereby removing the basis for objection to that claim. Accordingly, reconsideration and withdrawal of the objections to Claims 2-3, 15 and 28 are respectfully requested.

Claims 16-19 and 20-25 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office Action states that Claims 16 and 20 recite an apparatus, however, the Office Action finds that the system would reasonably be interpreted by one of ordinary skill in the art as software per se. Applicants note that Claim 16 is in means function form. Moreover, the structure associated with various of the recited means includes hardware components. Accordingly, the rejection under 35 U.S.C. § 101 of Claims 16-19 should be reconsidered and withdrawn.

Claim 20 recites various hardware components, including a controller that operates to perform various functions. As is known by those of ordinary skill in the art, a controller is a hardware component that can (but need not) execute software instructions. Moreover, the assertion in the Office Action that Applicants' invention is software per se is simply incorrect. For these reasons, the rejections of Claims 20-25 should also be reconsidered and withdrawn.

Claims 1-7, 13-18 and 20-28 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,487,290 to Le Grand. In addition, Claims 8-12, 19 and 29-34 stand rejected under 35 U.S.C. § 103 as being unpatentable over Le Grand in view of U.S. Patent No. 5,506,898 to Costantini, et al. ("Costantini"). In order for a rejection under 35 U.S.C. § 102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference. (MPEP § 2131.) In order to establish a prima facie case of obviousness under § 103, there must be some suggestion or motivation to modify the

reference or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference or references must teach or suggest all the claim limitations (MPEP § 2143.) However, all of the claim elements cannot be found in the cited references, whether those references are considered alone or in combination. Accordingly, reconsideration and withdrawal of the rejections of the claims as anticipated by or obvious in view of the cited references are respectfully requested.

The claimed invention is generally directed to a method and system that balances resource loads for a plurality of service locations. More particularly, the claims recite the computation of a relative probability of servicing work requests for each service location included in a plurality of service locations. Work requests are then assigned to a service location based on the determined relative probabilities, allowing work to be efficiently routed. Moreover, at least Claims 1-25, 28 and 29 recite determining a relative probability by calculating a number of opportunities to service the work request within a target time by each service location included in the plurality of service locations.

The Le Grand reference is generally directed to call routing based on local status evaluation. However, Le Grand does not teach, suggest or describe calculating a relative probability for each of a plurality of service locations as recited by the pending claims. Moreover, Le Grand does not teach, suggest or describe determining a probability of servicing a work request within a target time. That is, Le Grand discusses determining a queue wait for a single response resource, but has no teaching, suggestion or disclosure of a target time. In addition, as recognized in the Office Action, the Le Grand reference does not teach calculating a number of opportunities to service work within a target time. Therefore, for at least these reasons, the Le Grand reference does not teach, suggest or describe each and every element of the claims, and the rejections of Claims 1-34 as anticipated by or obvious in view of Le Grand should be reconsidered and withdrawn.

The Costantini reference is cited in the Office Action for using an average rate of advance in determining the estimated wait time in a queue. Although Costantini does discuss determining a wait time for an item in a particular queue, there is no disclosure of a target time or a calculated

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relative probability for a service location by calculating a number of opportunities to service a work request within a target time at a service location in the Costantini reference. Accordingly, even if the Costantini reference were combined with Le Grand, each and every element of the pending claims is not present in the prior art. Accordingly, the rejections of Claims 8-12, 19 and 29-34 as obvious should be reconsidered and withdrawn.

The application now appearing in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would be of assistance.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: _____


Bradley M. Knepper
Registration No. 44,189
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: August 10, 2007

